IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

Bail Appl..No. 3078 of 2007()

BP.360/2007 of J.M.F.C.,SULTHANBATHERY
C.R.NO.29/07 OF SULTHAN BATHERY EXCISE RANGE

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: PETITIONER/ACCUSED:

JIJI @ AVARACHAN K.K., S/O.KUNJUVARKEY,
KADAMBAKKATTIL HOUSE, MOOLANKAVE P.O.,
NOOLPUZHA VILLAGE, SULTHAN BATHERY.

BY ADV. SRI.JIJO PAUL

RESPONDENTS: STATE:

THE STATE OF KERALA,
REPRESENTED BY THE EXCISE INSPECTOR,
SULTHAN BATHERY EXCISE RANGE, THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

B.A. No. 3078 OF 2007

Dated this the 29th day of May, 2007

O R D E R

In this Petition filed under Sec. 439 Cr.P.C. the petitioner, who is the accused in C.R. No.29/07 of Sulthan Bathery Excise Range for an offence punishable under Sec.8(2) of the Abkari Act, for having been found in possession of 5 liters of illicit arrack on 12.5.07, seeks his enlargement on bail. The petitioner was arrested on 13.5.07.

2. The learned Public Prosecutor opposed the application.

3. It is too early to accept the petitioner's contention that he has been falsely implicated in the case. Moreover, I am not satisfied that both the grounds enumerated under Sec. 41A(b)(ii) of the Abkari Act are present in this case so as to justify his release on bail.

This application is accordingly dismissed.

(V. RAMKUMAR, JUDGE)

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